

REMARKS

The application has been carefully reviewed in light of the Office Action dated May 3, 2007. Claims 2, 6, 7, 28, and 29 are in the application, with Claim 2 being independent. Claim 27 has been cancelled without prejudice to Applicants' right to present this claim in a later-filed divisional application. Claims 2, 6, 7, 28, and 29 have been amended herein. Reconsideration and further examination are respectfully requested.

Claims 2, 6, 7, 28, and 29 were rejected under 35 U.S.C. § 102(b) over PNAS, Vol. 99, May 28, 2002, pp. 7554 to 7559 (Dudley) and the accompanying "Supplementary Material". These claims were also rejected under 35 U.S.C. § 102(b) over U.S. Publication No. 2002/0051973 (Delenstarr). The rejections are respectfully traversed.

Claim 2 recites, *inter alia*, (i) said at least two probes having different sequences from each other and having sequences complementary to the internal standard nucleic acids, (ii) said at least two probes are available for quantitative evaluation of PCR of said nucleic acid molecules having the target base sequences, and (iii) said at least two probes include at least two probes corresponding to PCR products with different chain lengths derived from the internal standard nucleic acids.

By virtue of this combination of features, the accuracy of quantitative evaluation can be improved since one can select a PCR product of an internal standard nucleic acid that has the same chain length as the PCR product of the nucleic acid molecule having the target base sequence. See, for example, page 42, line 20 to page 43, line 2 of the instant application.

Neither Dudley nor Delenstarr is seen to disclose or suggest at least the above-discussed combination of features.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from the independent claim discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

An Information Disclosure Statement was submitted on August 27, 2007, and consideration of the document cited therein is respectfully requested.

No other matters being raised, the application is believed to be fully in condition for allowance, and such action is courteously solicited.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should be directed to our address given below.

Respectfully submitted,



Damond E. Vadnais
Attorney for Applicants
Registration No. 52,310

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

FCHS_WS 1486457v1